

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

UNITED STATES OF AMERICA, §

ex rel. ALEX DOE, Relator, §

THE STATE OF TEXAS, §

ex rel. ALEX DOE, Relator, §

THE STATE OF LOUISIANA, §

ex rel. ALEX DOE, Relator, §

Plaintiffs, §

V. §

Civil Action No. 2:21-CV-00022-Z

PLANNED PARENTHOOD §

FEDERATION OF AMERICA, INC., §

PLANNED PARENTHOOD GULF §

COAST, INC., PLANNED §

PARENTHOOD OF GREATER §

TEXAS, INC., PLANNED §

PARENTHOOD SOUTH §

TEXAS, INC., PLANNED §

PARENTHOOD CAMERON §

COUNTY, INC., PLANNED §

PARENTHOOD SAN ANTONIO, §

INC., §

Defendants. §

PLAINTIFFS' MOTION TO CERTIFY PPFA'S APPEAL AS FRIVOLOUS AND RETAIN JURISDICTION

PPFA's interlocutory appeal is frivolous for the reasons explained in Plaintiffs' Response to PPFA's Motion to Stay (Dkt. 588). A "district court is permitted to maintain jurisdiction over an interlocutory appeal of an immunity denial after certifying that the appeal is frivolous or dilatory." *BancPass, Inc. v. Highway Toll Admin., L.L.C.*, 863 F.3d 391, 400 (5th Cir. 2017). The Court must "expressly certify, in writing, that [the] defendant forfeited the right to a pretrial appeal" if an immunity defense is waived. *Id.*

For the reasons already explained in Plaintiffs' Response to PPFA's Motion to Stay, Plaintiffs respectfully request that the Court certify PPFA's appeal as frivolous and retain jurisdiction.

Respectfully submitted.

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 2023, this document was electronically filed and served via the Court's CM/ECF system.

/s/ Heather Gebelin Hacker
Heather Gebelin Hacker